

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

File No: CIC/GNCTD/A/2022/115540

Deepak Kumar Dhasmana

.....अपीलकर्ता/Appellant

VERSUS

बनाम

PIO,  
O/o The Sub-Divisional Magistrate (Saket)  
Revenue Department, M.B Road, Saket,  
New Delhi – 110068

....प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

Date of Impugned Order: 18.08.2023

Date of Hearing: 26.12.2024

Order w.r.t disposal of Non-Compliance: 17.01.2025

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

ORDER

1. The issue under consideration is the complaint for non-compliance dated 06.11.2023 of CIC's order dated 18.08.2023 in the above matter.
2. The above-mentioned appeal of the appellant, Shri **Deepak Kumar Dhasmana** was disposed of by the Commission on 18.08.2023 wherein following observations and directions are given:

*“Order dated 18.08.2023 is as under:*

*Keeping in view the facts of the case and the submissions made by the Appellant, the Commission observes that the basic objective of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Public Authorities, eradicate corruption, and to make our democracy work for the people in real sense. Therefore the Commission directs the CPIO to re-examine the RTI application and furnish correct and final information to the Appellant, in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 30 days from the date of receipt of this order under the intimation to the Commission.*

*The Appeal stands disposed accordingly.”*

3. The Appellant vide his letter dated 06.11.2023 reported non-compliance of the above order stating as under:

कृपया आपको अवगत कराना है। हम को सुनवाई के लिए दिनांक -:18/8/23 को 10.30 AM बुलाया था। हम केन्द्रीय सूचना आयोग में सुनवाई के लिये गये थे। हमारे वकील ने केन्द्रीय सूचना आयोग के समाने कहाँ हमें दिनांक -: 3/10/2017 को दीपक धस्माना को मकान आवंटित कर दिया था। जब एक वार मकान आवंटित कर दिया जाता है। वे मकान का हकदार होता है। फिर उसमें कोई Policy नहीं लगती है। क्योंकि दीपक धस्माना को दिनांक -: 3/10/2017 को मकान आवंटित कर दिया था। दिल्ली आश्रय सुधार बोर्ड कि policy दिनांक -: 17/2/2021 को बनी है। जो कि चार वर्ष का अन्तर है। इस बलिये दिल्ली आश्रय सुधार बोर्ड कि Policy हमें नहीं लगती है। केन्द्रीय सूचना आयुक्त ने Decision दिनांक :18/8/23 को लिया था। केन्द्रीय सूचना आयुक्त ने ORDER SDM District South Revenue Department M.B. Road Saket N.D. को दिया था। उस ऑर्डर में कहा गया है दीपक धस्माना को 30 दिन के अंदर सच और सही सूचना दी जाये। 75 दिन दो गए हैं अभी तक हमें SDM District South Revenue Department M.B. Road Saket ने कोई सूचना नहीं दी है। कृपया सूचना आयुक्त से अनुरोध करते हैं आप दिली शहरी विकास विभाग के अधिकारी और दिल्ली आश्रय सुधार बोर्ड के अधिकारी को केन्द्रीय सूचना आयोग में सुनवाई के लिए बुलाये। इस हमें मकान मिलने में मदद मिलेगी। आपकी अति कृपा होगी।

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4. The Registry of this Bench vide letter dated 15.05.2024 had sought comments of the CPIO on the non-compliance complaint filed by the Appellant.
  5. As per available records, the concerned PIO has neither complied with the direction passed by the previous bench of the Hon'ble Commission vide order dated 18.08.2023 nor has submitted any written explanation for not complying with the above direction.

**Relevant Facts emerged during Hearing:**

The following were present:-

**Appellant:** Present in person.

**Respondent:** Absent.

The Appellant stated that the instant matter was firstly listed on 27.10.2022 before, the previous bench of the Hon'ble Commission, wherein a SCN has been issued to the Respondent vide order dated 31.10.2022 for not providing the information. Thereafter, the matter was again listed in the year 2023 and direction were repeated to the Respondent to provide the information vide order dated 18.08.2023 and despite this, the Respondent has not provided the information as sought in the RTI Application. While explaining the brief background of the case, the Appellant apprised the bench that the instant case is related to non-allotment of house.

The Respondent did not participate in the hearing despite service of hearing notice.

**Decision:**

The Commission, after hearing the submissions of the Appellant and after perusal of records, observes that the concerned PIO has neither complied with the direction passed by the previous bench of the Hon'ble Commission vide order dated 18.08.2023 nor has submitted any written explanation for not complying with the above direction. Further the concerned PIO did not participate in the hearing. Accordingly, the Commission expresses severe displeasure on the conduct of the concerned PIO for neither complying with the previous directions of the bench nor participating in the hearing and there-

fore he/she is being called to show cause. The act of the concerned PIO, tramples upon the citizen's right under the RTI Act as well as shows lack of respect towards the Commission.

In view of the above, inaction on his/her part is prima facie established and therefore, the Commission deems it expedient to direct the Registry of this Bench to issue a second Show Cause Notice to concerned PIO. The PIO shall explain in writing as to why action should not be initiated against him under Section 20 (1) and 20 (2) of the RTI Act for the foregoing reasons, written explanation of the CPIO should reach the Commission within four weeks from the date of receipt of this order.

In the meantime, the Commission directs the concerned PIO to examine the instant RTI Application and provide pointwise information to the Appellant, within two weeks from the date of receipt of this order. So far as grievance of the Appellant related to non-allotment of house under DUSIB is concerned, the Appellant is at liberty to approach court of competent jurisdiction.

The FAA shall ensure compliance with this order.

A copy of this order is marked to the FAA who shall ensure that a copy of this order is received by the erring PIO. The FAA is further directed to ensure that under all circumstances, written submissions of the erring PIO should reach the Commission within four weeks from the date of receipt of this order, failing which proceedings will be held ex-parte and decision passed. The FAA shall inform the Commission the name/names of the PIO at the relevant time who was/were supposed to give reply to the Appellant and the name of PIO who did not appear in the hearing.

**The non-compliance petition is disposed of.**

Vinod Kumar Tiwari (विनोद कुमार तिवारी)  
Information Commissioner (सूचना आयुक्त)

(अभिप्रमाणित सत्यापित प्रति)

(S. Anantharaman)  
Dy. Registrar  
011- 26181927  
Date

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Addresses of the parties:

1. **PIO**  
**O/o The Sub-Divisional Magistrate (Saket)**  
**Revenue Department, M.B Road, Saket,**  
**New Delhi – 110068**
2. **FAA/Office of ADM (South)**  
**M.B. ROAD, SAKET,**  
**New Delhi-110068**



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**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil